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FORM PTO-1390  
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

33339/234602

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/856,969

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/FR99/02826

November 18, 1999

November 18, 1998

TITLE OF INVENTION

## SELECTION AND USES OF LACTIC ACID BACTERIA STRAINS MODULATING NON-SPECIFIC IMMUNITY

APPLICANT(S) FOR DO/EO/US

Chantal CAYUELA; Nathalie DUGAS; Eric POSTAIRE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

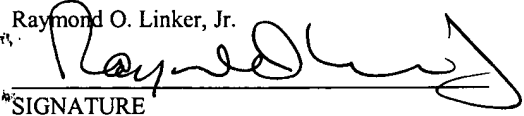
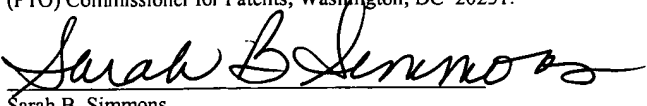
## Items 11. To 16. Below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

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130.00 OP

|  |              |  |   |  |              |
|--|--------------|--|---|--|--------------|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)<br><b>To be assigned</b>   |              | INTERNATIONAL APPLICATION NO.<br>.PCT/FR99/02826 |   | ATTORNEY'S DOCKET NUMBER<br>33339/234062 |              |
| 17. <input checked="" type="checkbox"/> The following fees are submitted:  |              |  |   | CALCULATIONS                             | PTO USE ONLY |
| <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <span style="float: right;"><b>\$1,000.00</b></span><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <span style="float: right;"><b>\$860.00</b></span><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;"><b>\$710.00</b></span><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO <span style="float: right;"><b>\$690.00</b></span><br>But all claims did not satisfy provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$100.00</b></span><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$100.00</b></span> |              |  |   |  |              |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT</b> =  |              |  |   | \$                                       |              |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |  |   | \$ 130.00                                |              |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA                                     | RATE  |  |              |
| Total Claims   | 20 -20 =     | 0  | <b>X \$18.00</b>  | <b>\$ 0.00</b>                           |              |
| Independent Claims   | 3 - 3 =      | 0  | <b>X \$80.00</b>  | <b>\$ 0.00</b>                           |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |  | <b>+ \$270.00</b>   | <b>\$</b>                                |              |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |              |  |   | <b>\$ 130.00</b>                         |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by one-half.  |              |  |   | \$                                       |              |
| <b>SUBTOTAL =</b>  |              |  |   | <b>\$ 130.00</b>                         |              |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |   | \$                                       |              |
| <b>TOTAL NATIONAL FEE =</b>  |              |  |   | \$                                       |              |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +  |              |  |   | \$                                       |              |
| <b>TOTAL FEES ENCLOSED =</b>   |              |  |   | <b>\$ 130.00</b>                         |              |
|  |              |  |   | Amount to be Refunded                    | \$           |
|  |              |  |   | Charged                                  | \$           |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 130.00 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605.   |              |  |   |  |              |
| Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.   |              |  |   |  |              |
| SEND ALL CORRESPONDENCE TO:<br>Raymond O. Linker, Jr.<br><br>*SIGNATURE<br>REGISTRATION NUMBER 26,419<br><b>ALSTON &amp; BIRD LLP</b><br>Bank of America Plaza<br>101 South Tryon Street, Suite 4000<br>Charlotte, NC 28280-4000<br>Tel Charlotte Office (704) 444-1000<br>Fax Charlotte Office (704) 444-1111<br><b>Customer Number 000826</b>   |              |  | <b>"Express Mail" Mailing Label Number EL 822756120 US</b><br>Date of Deposit: August 1, 2001<br><br>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Attn: DO/US (PTO) Commissioner for Patents, Washington, DC 20231.<br><br>Sarah B. Simmons<br><div style="text-align: right;">CLT01/4490587v1</div> |  |              |



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|--|-----------------------|---|
| U.S. APPLICATION NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO.                                |
| 09/856969  | CAYUELA               | C 33339/234602                                  |
| ALSTON & BIRD LLP<br>BANK OF AMERICA PLAZA<br>101 SOUTH TRYON STREET, SUITE 4000<br>CHARLOTTE, NC 28280 4000 |                       | INTERNATIONAL APPLICATION NO.<br>PCT/FR99/02826 |
| I.A. FILING DATE   |                       | PRIORITY DATE                                   |
| 18 NOV 99  |                       | 18 NOV 98                                       |

DATE MAILED: 03 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☒ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☒ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.  
☐ U.S. Basic National Fee. ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

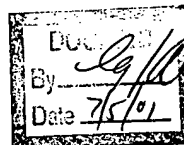
**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams *[Signature]*

Telephone: 703-305-3688

FORM PCT/DO/EO/905 (March 2001)



Attorney's Docket No. 33339/234602

PATENT

**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

In re: Cayuela et al.  
International Appl. No.: PCT/FR99/02826  
International Filing Date: November 18, 1999  
For: SELECTION AND USES OF LACTIC  
ACID BACTERIA STRAINS  
MODULATING NON-SPECIFIC IMMUNITY

Attn: DO/US

Box PCT  
Commissioner for Patents  
Washington, DC 20231

**SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63**

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified patent application that has been executed by the named inventors.

A check in the amount of \$130 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,



Raymond O. Linker, Jr.  
Registration No. 26,419


**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**CERTIFICATE OF MAILING**

**"Express Mail" Mailing Label Number EL 822756120 US**

Date of Deposit: August 1, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PCT, Attn: DO/US (PTO) Commissioner for Patents, Washington, DC 20231.

A handwritten signature in cursive script, reading "Sarah B. Simmons", written over a horizontal line.

Sarah B. Simmons

CLT01/4490596v1